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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

NICHOLAS CASTILLO, ARMANDO

HERRERA, SHERIDDAN VASQUEZ

22 Civ. 06888 (LJL) (GS)

Plaintiffs,

- against -

ORDER CANCELLING INQUEST HEARING & REQUESTING ADDITIONAL BRIEFING

ROMAN ISAKOV, DAVID ABRAMOV, VISION CELLULAR INC., ST. NICHOLAS MOBILE OF

NY INC.,

Defendants.

GARY STEIN, United States Magistrate Judge:

This matter has been referred to me to conduct an inquest concerning Plaintiffs' damages and attorneys' fees following a default judgment against Defendants Roman Isakov, David Abramov, Vision Cellular Inc., and St. Nicholas Mobile of NY Inc. ("Defendants"). (Dkt No. 28).

The Court, having reviewed Plaintiff's renewed motion for default judgment (Dkt. No. 29), the memorandum in support of the motion (Dkt. No. 30), the declaration of Mohammad Gangat and accompanying exhibits (Dkt No. 31, Ex. A-I), Plaintiff's proposed default judgment (Dkt. No. 32), and Judge Liman's October 12, 2023 Order of default against Defendants (Dkt. No. 28), hereby **ORDERS** that:

1. The inquest hearing scheduled for Tuesday, October 29, 2024, at 10:00 a.m. is hereby **CANCELLED**. The Court may conduct an inquest into damages based solely upon the written submissions of the parties. *See, e.g., Bricklayers & Allied Craftworkers Local 2, Albany, N.Y. Pension Fund v. Moulton Masonry & Const., LLC*, 779 F.3d 182, 189 (2d Cir. 2015). Having reviewed Plaintiffs' submissions, the Court does not believe there is any need to hear live

testimony or otherwise conduct a hearing. Any party who believes a hearing should be conducted

must so inform the Court by November 15, 2024, and present reasons therefor.

2. By no later than **November 8, 2024**, Plaintiffs' counsel shall provide an additional

submission on Mr. Castillo's reasonable efforts to mitigate damages and seek other suitable

employment after his termination on March 27, 2021. See Ford Motor Co. v. E.E.O.C., 458 U.S.

219, 231-32 (1982); Azkour v. Little Rest Twelve, No. 10 Civ. 4132 (RJS) (KNF), 2014 WL

12779560, at *4 (S.D.N.Y. Mar. 26, 2014) ("A plaintiff seeking back pay has a duty to mitigate

damages by actively seeking new employment."). Mr. Castillo states that he received three job

offers after his termination and before accepting new employment on July 11, 2021. (Dkt. No. 31,

Ex. C ¶ 9-10). In his affidavit, Mr. Castillo explained that he "did not accept the offers because

[he] did not feel ready to start working and felt scared after being discriminated against " (Id.

¶ 9). The Court requests that Plaintiffs' counsel provide case law support for the proposition that

Mr. Castillo's refusal to accept these job offers for this reason is consistent with his duty to mitigate

damages. Plaintiffs' counsel also may provide additional evidence in support of this argument. In

the event that the Court does not agree with Mr. Castillo's argument, counsel is further directed to

provide information on when Mr. Castillo received these three job offers and how much that

employment would have paid had Mr. Castillo accepted.

SO ORDERED.

Dated:

New York, New York October 21, 2024 Hoy Alex GARY STEIN

United States Magistrate Judge

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